

1 UNITED STATES BANKRUPTCY COURT

2 EASTERN DISTRICT OF NEW YORK

3 Case No. 1-16-40809-ess

4 Adv. Case No. 1-17-01005-ess

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6 In the Matter of:

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8 TASHANNA B. GOLDEN,

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10 Debtor.

11 - - - - - x

12 TASHANNA B. GOLDEN,

13 Plaintiff,

14 v.

15 NATIONAL COLLEGIATE TRUST et al.,

16 Defendants.

17 - - - - - x

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20 United States Bankruptcy Court

21 271-C Cadman Plaza East

22 Brooklyn, NY 11201

23

24 April 9, 2018

25 11:24 AM

1 B E F O R E :

2 HON ELIZABETH S. STONG

3 U.S. BANKRUPTCY JUDGE

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5 ECRO: FANNY RANDAZZO

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1 MS. SIEG: The 523A --

2 THE COURT: 523. The substantive -- right, the
3 discharge statute.

4 MS. SIEG: Correct. And that issue is percolating
5 up through the courts as it should in the normal course. So
6 that when it does get to the Supreme Court it has the
7 benefit of all the circuits or as many as possible -- it has
8 the benefit of that issue being tested.

9 THE COURT: So what about this problem now?
10 Remember that at the pleading stage you take the allegations
11 as true. You think you're going to disprove them but I have
12 to take them as true. And you're saying that we can't do
13 better than piecemeal litigation? That even with a federal
14 class action tool that the best we can do, assuming that
15 these allegations are true and that lenders were talking out
16 of both sides of their mouths, assuming the allegations are
17 true -- I'll say it once every 15 seconds for the avoidance
18 of doubt. Maybe.

19 And I guess this isn't about whether it feels like
20 the equitable result for the Lenders or the Debtors but I --
21 I really wonder if that's how the Federal Court process
22 works. I'm not sure that it is.

23 MS. SIEG: Well, again, Your Honor, that's a
24 superiority element. We're not here asking you to make
25 rulings on that. We will be in here arguing that a class is